



# House of Representatives

General Assembly

**File No. 370**

January Session, 2009

House Bill No. 5894

*House of Representatives, March 31, 2009*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT ESTABLISHING A "MOVE OVER" LAW IN CONNECTICUT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2009*) (a) For the purpose of  
2       this section "emergency vehicle" means any vehicle with activated  
3       flashing lights (1) operated by a member of an emergency medical  
4       service organization responding to an emergency call, (2) operated by  
5       a fire department or by any officer of a fire department responding to a  
6       fire or other emergency, (3) operated by a police officer, (4) that is a  
7       maintenance vehicle, as defined in section 14-1 of the general statutes,  
8       or (5) that is a wrecker, as defined in section 14-1 of the general  
9       statutes, "police officer" means a sworn member of the Division of  
10      State Police within the Department of Public Safety or an organized  
11      local police department and "highway" means a state or public  
12      highway with three or more travel lanes that proceed in the same  
13      direction.

14      (b) Any operator of a motor vehicle on a highway when  
15      approaching one or more stationary emergency vehicles located on the

16 shoulder, lane or breakdown lane of such highway shall (1)  
17 immediately reduce speed to a reasonable level below the posted  
18 speed limit, and (2) if traveling in the lane adjacent to the shoulder,  
19 lane or breakdown lane containing such emergency vehicle, move such  
20 motor vehicle over one lane, unless such movement would be  
21 unreasonable or unsafe.

22 (c) A violation of any provision of this section shall be an infraction,  
23 except that if a violation of the provisions of subsection (a) results in  
24 the injury of the operator of an emergency vehicle, the operator of the  
25 motor vehicle that caused such injury shall be fined in an amount not  
26 to exceed two thousand five hundred dollars, and if such violation  
27 results in the death of the operator of an emergency vehicle, the  
28 operator of the motor vehicle that caused such death shall be fined in  
29 an amount not to exceed ten thousand dollars.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2009	New section
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**TRA**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill makes it a violation (designated as an infraction) of state law if a motorist fails to take certain actions when approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway. An infraction is punishable by a fine of \$75 - \$136, and is payable by mail to the Centralized Infractions Bureau of the Judicial Department.<sup>1</sup> If the violation results in the injury or death of the emergency vehicle operator, the fines are a maximum of \$2,500 and \$10,000 respectively, and would require a court appearance.

The magnitude of the revenue gain under the bill is unknown. However, for illustrative purposes, approximately \$200,000 in state revenue is generated every year from fines imposed for violations (e.g., speeding) that occur in highway construction zones, utility work zones or school zones.

#### **The Out Years**

The annualized ongoing revenue indicated above would remain

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<sup>1</sup> In accordance with CGS 51-164m, the judges of the Superior Court shall establish and maintain a schedule of fines to be paid for the violation of the sections of the general statutes deemed to be infractions. No such fine may be less than thirty-five dollars or in excess of ninety dollars. In addition to this base fine, surcharges would apply.

constant into the future since fine amounts are set by statute.

**OLR Bill Analysis****HB 5894*****AN ACT ESTABLISHING A "MOVE OVER" LAW IN CONNECTICUT.*****SUMMARY:**

This bill requires a motorist approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to (1) immediately slow down to a reasonable speed below the posted speed limit and (2) if traveling in the lane adjacent to the location of the emergency vehicle, move over one lane, unless this would be unreasonable or unsafe.

For these requirements to apply, the emergency vehicle must have flashing lights activated. Under the bill, an "emergency vehicle" includes a vehicle:

1. operated by a member of an emergency medical service organization responding to an emergency call;
2. operated by a fire department or by any officer of the department responding to a fire or other emergency;
3. operated by a police officer;
4. that is a maintenance vehicle, as defined by law; or
5. that is a licensed wrecker.

A violation of these requirements is an infraction, unless the violation results in the injury or death of the emergency vehicle operator, in which case the fines are a maximum of \$2,500 and \$10,000 respectively.

EFFECTIVE DATE: October 1, 2009

**BACKGROUND*****Maintenance Vehicle***

A “maintenance vehicle” is defined by law as a vehicle in use by the state or a municipality, a state bridge or parkway authority, or any public service company in the maintenance of public highways or bridges and facilities located within the limits of such bridges or highways.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea    35    Nay    0    (03/13/2009)